(Spl.-H.C.A.S.,C.D.,78-e)

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF BOMBAY AT GOA
APPELLATE SIDE

WRIT PETITION NO. 607 OF 2003

Office Note, Office Memoranda of Quorum, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders

Shri S. D. Lotlikar, Senior Advocate with Ms. Shambhavi Dessai, advocate for the petitioner.

Shri D. Pangam, advocate for the respondents.

CORAM : SMT. NISHITA MHATRE, J.

DATE : 11th March, 2004

P.C.:

The Petitioner has challenged the Judgment dated 7th July, 2003 of the Additional District Judge, South Goa and has prayed that the Order of the Civil Judge, Junior Division, Quepem, in Regular Civil Suit No.21/2002/B, be restored. These orders were passed pursuant to an application being filed by the petitioner for temporary injunction. While the trial Court granted the injunction, the Appellate Court had refused it on the ground that the petitioner was unable to identify

the suit property.

2. After the Appellate Court's Order, the petitioner amended the plaint in the suit filed by him. By the amendment, the petitioner has sought to describe the suit property more appropriately.

3. In view of the fact that the petitioner has already amended the plaint by indicating the property, the petitioner is at liberty to file a fresh application for injunction. In the event such an application is filed, the respondents are at liberty to oppose the same. The trial Court will decide the application on its own merits uninfluenced by the observations and findings in the orders dated 16th November, 2002 and 7th July, 2003.

4. Petition accordingly

disposed of.

SMT. NISHITA MHATRE, J.

mc.